

### **REMARKS**

Claims 1, 3, 5-13 and 15 were pending in this application.

Claims 1, 3, 5-13 and 15 were rejected.

Claims 5 and 6 were cancelled.

Claims 1, 3, 7, 8, 9, 13 and 15 were amended.

New Claims 18 and 19 were added

### **I. 35 USC 102(e)**

Claims 1, 8 and 15 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent NO. 6,007,882 to Worcester.

The rejected claims include three independent claims, which are Claim 1, Claim 8 and Claim 15. These claims have been amended and are believed to be clearly distinguishable over the cited prior art references, as is explained below.

#### **Claim 1**

Claim 1 sets forth a reusable floral arrangement assembly. The assembly includes a tray. A connector is disposed on the bottom of the tray. The connector enables the support to be selectively connected to a support for holding the tray.

The floral arrangement assembly also includes a plurality of disposable foam elements. This plurality of elements includes a base level element and at least one subsequent level element. The base level element rests upon the top surface of the tray. The base level element and each subsequent level element differ in size and are stacked atop each other forming a foam structure having tiered configuration. The tiered configuration has exposed vertical surfaces and horizontal surfaces.

A grid work extends over the foam structure. The grid work demarcates both the vertical surfaces and the horizontal surfaces that lay exposed on the foam structure into a plurality of

equally sized areas.

**The Worcester patent** discloses the core of an imitation tree. The core is comprised of foam held under a grid. Although the Worcester patent does disclose an assembly where foam is held under a grid, the Worcester patent does not disclose a foam structure made from a plurality of differently shaped foam elements.

The Worcester patent does not disclose foam elements stacked to form a tier shaped configuration with exposed vertical surfaces and horizontal surfaces.

The Worcester patent does not disclose a grid that demarcates the exposed vertical surfaces and horizontal surfaces.

Furthermore, the Worcester patent does not disclose a tray having a support connector on its bottom side.

Since all of these elements are not shown in the Worcester patent, yet are claimed in the wording of Claim 1, it is clear that the Worcester patent does not anticipate the matter of Claim 1 or its dependent claims.

The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 1 and its dependent claims.

#### Claim 8

Claim 8 also sets forth a floral arrangement assembly. The floral arrangement assembly includes a plurality of foam elements that include a base level element and at least one subsequent level element. The base level element and each subsequent level element differ in size and are stacked atop each other forming a foam structure having tiered configuration with exposed vertical surfaces and horizontal surfaces.

A grid work extends over the foam structure. The grid work conforms to the foam structure and demarcates both the vertical and the horizontal surfaces of said the structure into a plurality of evenly sized areas.

As has previously been shown, the Worcester patent does not disclose a foam structure

made from a plurality of differently shaped foam elements.

The Worcester patent does not disclose foam elements stacked to form a tier shaped configuration with exposed vertical surfaces and horizontal surfaces.

Lastly, the Worcester patent does not disclose a grid that demarcates the exposed vertical surfaces and horizontal surfaces.

Since all of these elements are not shown in the Worcester patent, yet are claimed in the wording of Claim 8, it is clear that the Worcester patent does not anticipate the matter of Claim 8 or its dependent claims.

The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 8 and its dependent claims.

#### Claim 15

Claim 15 sets forth a method of creating a floral arrangement. Among the steps being claimed is the step of providing a foam structure containing a plurality of different sized foam elements stacked atop one another to form a tiered structure having exposed vertical surfaces and horizontal surfaces

A grid work is provided that can be selectively placed over the stacked foam elements. The grid demarcates areas of equal size on exposed vertical surfaces and horizontal surfaces of the stacked foam elements.

As has previously been shown, the Worcester patent does not disclose a foam structure made from a plurality of differently shaped foam elements.

The Worcester patent does not disclose foam elements stacked to form a tier shaped configuration with exposed vertical surfaces and horizontal surfaces.

Lastly, the Worcester patent does not disclose a grid that demarcates the exposed vertical surfaces and horizontal surfaces.

Since all of these elements are not shown in the Worcester patent, yet are claimed in the wording of Claim 15, it is clear that the Worcester patent does not anticipate the matter of

Claim 15 or its dependent claims.

The Examiner is therefore respectfully requested to withdraw the 35 USC 102 rejection as applied to Claim 15 and its dependent claims.

### **II. 35 USC 103(a) Rejections**

The Examiner has rejected Claims 3 and 9 35 USC 103(a) as being unpatentable over Worcester in view of U.S. Patent No. 2,765,585 to Smithers.

Claim 3 depends from Claim 1. Claim 9 depends from Claim 8. Claim 1 and Claim 8 have already been distinguished from the primary Worcester patent.

The Smithers patent is cited to show a spike that extends into a foam structure,. However, the Smithers patent does not address the deficiencies of the Worcester patent as applied to Claim 1 and Claim 8. When the Worcester patent and the Smithers patents are combined, the combination fails to disclose a foam structure made from a plurality of differently shaped foam elements.

The Combination does not disclose foam elements stacked to form a tier shaped configuration with exposed vertical surfaces and horizontal surfaces.

Lastly, the Combination does not disclose a grid that demarcates the exposed vertical surfaces and horizontal surfaces.

Since all of these elements are not shown in the combined references, yet are claimed in the wording of the claims, it is believed that the 35 USC 103 rejection should be withdrawn as being unsupported by the cited art.

The Examiner has rejected Claims 5-7 and 10-12 under 35 USC 103(a) as being unpatentable over Worcester in view of U.S. Patent No. 2,482,278 to Koerner

Claim 7 depends from Claim 1. Claims 10-12 depend from Claim 8. Claim 1 and Claim 8

have already been distinguished from the primary Worcester patent.

The Koerner patent is cited to show a bouquet with a removable handle. However, the Koerner patent does not address the deficiencies of the Worcester patent as applied to Claim 1 and Claim 8. When the Worcester patent and the Koerner patents are combined, the combination fails to disclose a foam structure made from a plurality of differently shaped foam elements.

The Combination does not disclose foam elements stacked to form a tier shaped configuration with exposed vertical surfaces and horizontal surfaces.

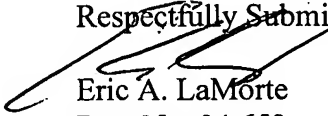
Lastly, the Combination does not disclose a grid that demarcates the exposed vertical surfaces and horizontal surfaces.

Since all of these elements are not shown in the combined references, yet are claimed in the wording of the claims, it is believed that the 35 USC 103 rejection should be withdrawn as being unsupported by the cited art.

### **III. SUMMARY**

Having fully distinguished the pending claims over the cited art, this application is believed to stand in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Examiner is requested to call the applicant's attorney at (215) 321-6772 in order that any outstanding issues may be resolved without the necessity of issuing a further Office Action.

Respectfully Submitted,

  
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